

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

In re: FIELDWOOD ENERGY LLC, <i>et al.</i>, Debtors.¹	§ § § § § § §	Chapter 11 Case No. 20-33948 (MI) (Jointly Administered)
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**STIPULATION AND ORDER GRANTING LIMITED
RELIEF FROM THE AUTOMATIC STAY ON EDWARD RANDALL
WRONGFUL DEATH LITIGATION**

This stipulation and order (the “**Stipulation**”) is entered into by and among the debtors and debtors in possession in the above-captioned chapter 11 cases (collectively, the “**Debtors**”) and Edward Randall, individually and as Representative of the estate of Christopher Todd Randall, Deceased (the “**Movant**”) an individual who has prepared has prepared a lawsuit to be filed in the District Court of Harris County, Texas alleging various wrongful death causes of action (together, the Debtors and Movant are collectively referred to as the “**Parties**,” and, each, as a “**Party**”). The Parties hereby stipulate and agree as follows:

RECITALS

A. WHEREAS, on August 3, 2020 (the “**Petition Date**”), the Debtors commenced the above-captioned voluntary cases under chapter 11 of title 11 of the United States Code (the

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, as applicable, are: Dynamic Offshore Resources NS, LLC (0158); Fieldwood Energy LLC (6778); Fieldwood Energy Inc. (4991); Fieldwood Energy Offshore LLC (4494); Fieldwood Onshore LLC (3489); Fieldwood SD Offshore LLC (8786); Fieldwood Offshore LLC (2390); FW GOM Pipeline, Inc. (8440); GOM Shelf LLC (8107); Bandon Oil and Gas GP, LLC (9172); Bandon Oil and Gas, LP (9266); Fieldwood Energy SP LLC (1971); Galveston Bay Pipeline LLC (5703); and Galveston Bay Processing LLC (0422). The Debtors’ primary mailing address is 2000 W. Sam Houston Parkway S., Suite 1200, Houston, TX 77042.

“**Bankruptcy Code**”) in the United States Bankruptcy Court for the Southern District of Texas (the “**Bankruptcy Court**”).

B. WHEREAS, on December 16, 2020, Edward Randall filed the *Motion for Relief from the Automatic Stay* [Dkt. No. 675] (the “**Motion**”).

C. WHEREAS, the Parties have agreed, subject to the approval of the Bankruptcy Court, to modify the automatic stay pursuant to section 362 of the Bankruptcy Code for the limited purpose and subject to the terms and conditions set forth below.

It is hereby **ORDERED** that the automatic stay pursuant to section 362 of the Bankruptcy Code is modified as follows:

1. This Stipulation shall have no force or effect unless and until approved by the Bankruptcy Court (the “**Entered Date**”).

2. Upon the Entered Date, the automatic stay shall be modified solely to the extent necessary to permit: (a) the Movant to prosecute the various wrongful death causes of action, having been discussed with counsel for Debtors, that it will claim in a lawsuit prepared and to be filed in the District Court of Harris County, Texas (the “**Lawsuit**”); (b) liquidate the amount of the state court claim, and (c) seek to recover from the Debtors by way of settlement or judgment from the proceeds of the Debtors’ insurance policies, any indemnitors’ assets, or their indemnitors’ insurance policies, and any non-Debtor entity, without further approval of the Court. Movant shall take no action to collect amounts awarded in any judgment or settled in excess of available insurance proceeds from the Debtors, their indemnitors’ assets, their indemnitors’ insurance policies, or a non-Debtor third party, without further order from this Court. However, without further order from the Court, Movant shall be able to pursue recovery of any amounts awarded in any judgment settled in excess of available insurance proceeds, indemnitors’ insurance proceeds,

indemnitors' assets, any non-Debtor, and from the Debtors or their estates as a general unsecured claim consistent with the terms of the Debtors' confirmed chapter 11 plan; *provided* that nothing herein shall prejudice Movant's rights to seek additional relief from the Court, including, but not limited to, further stay relief, approval of a settlement agreement, or approval/collection of any judgment regarding the Claim.

3. Nothing contained herein shall be construed as a waiver by the Debtors of their right to object to any and all proofs of claim relating to the Lawsuit or any other pending prepetition action to which one or more of the Debtors are a party that may be filed by Movant or any other party in the Debtors' chapter 11 cases.

4. The limited relief set forth herein shall not be construed as an admission of liability by the Debtors regarding any claim or cause of action arising from or in relation to the Lawsuit or any other matter.

5. This Stipulation shall constitute the entire agreement and understanding of the Parties relating to the subject matter hereof and supersedes all prior agreements and understandings relating to the subject matter hereof.

6. The undersigned who executes this Stipulation by or on behalf of each respective Party represents and warrants that he or she has been duly authorized and empowered to execute and deliver this Stipulation on behalf of such Party.

7. This Stipulation shall not be modified, altered, amended or vacated without the written consent of all Parties hereto or by further order of the Bankruptcy Court.

8. The Bankruptcy Court shall retain jurisdiction to resolve any disputes or controversies arising from this Stipulation.

Dated: _____, 2021

Marvin Isgur
United States Bankruptcy Judge

IN WITNESS WHEREOF, this Stipulation has been executed and delivered as of the day
and year first below written.

Dated: January 7, 2021

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*Attorney for Edward Randall, Individually
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Christopher Todd Randall, Deceased*

Dated: January 7, 2021

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